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OFFICE OF PETITIONS

ON PETITION

In re Application of
Brandon L. Hudgeons
Application No. 10/716,173
Filed: November 18, 2003
Atty's Docket No. 1590.00003

This is a decision on the petition under 37 CFR 1.182, filed April 19, 2004 (certificate of mail date, April 16, 2004), in response to the Notice To File Missing Parts mailed February 18, 2004.

The application was filed November 18, 2003. However, on February 18, 2004, the Office of Initial Patent Examination mailed a Notice To File Missing Parts noting *inter alia*, that while the application had been accorded a filing date of November 18, 2003, Figure 9 described in the specification appeared to have been omitted.

Petitioner asserts that ten (10) sheets of drawings containing Figures 1-10, of which Figure 9 was included among the papers filed on November 18, 2003, and with the petition, submits a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, *inter alia*, the number of drawing sheets to be 10 and bears a United States Patent and Trademark Office date-stamp of November 18, 2003. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

In view of the foregoing, the petition is **GRANTED**. The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, no petition fee is due and none has been charged.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on November 18, 2003 and the one (1) sheet of drawings containing Figure 9 submitted on petition April 19, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

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